

International Team

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Partner of Abril Abogados in charge of National and International portfolios of Central and South American clients.

Ignacio Temiño



Partner of Abril Abogados in charge of the litigation department and responsible of North American, Asian and European trademark prosecution.

Carolina Montero



Legal practitioner, responsible of the Community Trade Marks Department, CTM and Spanish trademark prosecution of foreign portfolios.

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Legal practitioner, in charge of CTM and Spanish trademark prosecution of foreign portfolios.

Data Protection/Privacy

The Regulation implementing the Personal Data Protection Law comes in force.

The Regulation implementing the Personal Data Protection Law was published last January the 19th, and it will definitely come in force on April 19, 2008. This Regulation introduces some news that will make easier the fulfillment of the Personal Data Protection Law by the companies. On the one hand, the Regulation excludes from the scope of the Law the files that exclusively recorded the data of the individuals which render their services in these companies. In other words, the contact details of the client companies. Besides, the data processing relating to individual undertakers, namely suppliers or "entrepreneurs" is also excluded. Additionally, it entails that payrolls containing any data including disability or medical certificates regarding the workers, would have to accomplish the basic level of the security measures, whereas up to date the maximum security level was compulsory in those cases.

Registered Community Designs

APPLE and L'OREAL enforce Community Designs before Alicante Courts



APPLE requested the registration of the design of its MP3 reproducer iPod Nano before the OHIM. Apple argued that the Spanish Sports Newspaper "AS" was offering to its readers a MP3 reproducer which was substantially identical to the RCD. The judge found that the Regulation did not require that there was identity between the protected design and the infringing goods to declare the infringement, since the comparison has to be made on the whole.



L'OREAL sought a declaration of infringement and an order refraining the defendant from using its RCD for an eyelash curler. The judge found that due to the identical number of parts, distribution, configuration and shape of the curler, the overall impression produced was highly similar to the RCD. The defendant was ordered to withdraw the infringing goods and to pay 43.128, 00 euros in damages to L'Oréal.

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IP ILLUMINARIES 2.007/08 Abril Abogados reaches Chambers.

This year Ignacio Temiño, Senior Partner of Abril Abogados, has been included in IP Luminaries 2007/8 "as the best practitioner of patent matters, with extensive knowledge in all general IP matters. He is very efficient and prompt in exchanging information with clients".



This year Abril Abogados has been included in the annual prestigious Law firm International ranking made by "Chambers & Partners" as one of the most distinguished Spanish Law firms in Industrial and Intellectual Property matters.

Abril Abogados collaborates With Spanish Universities

Abril Abogados takes part in the University Board of the Industrial Property Master's degree of the Universidad Pontificia de Comillas, ICADE and the Intellectual Property Master's degree of the Universidad Carlos III of Madrid.



"The last few years have been particularly buoyant for Spanish lawyers and 2007 was no exception. ABRIL ABOGADOS has been included once again in the law experienced professional ranking "THE LEGAL 500" as one of the most recommended Spanish Law firms in both Intellectual Property and Technology Media & Telecom matters.

Industrial Designs

Hague Convention

The EU has submitted to the WIPO its instrument of accession to the Geneva Act of The Hague Agreement concerning the international registration of industrial designs. This accession is operational for businesses from January 1, 2008 and allows EU companies, with a single application, to obtain protection of a design not only throughout the EU with the Community Design, but also in the countries which are members of the Geneva Act. This system simplifies procedures, reduces the costs for international protection and makes administration easier.

INTA'S TEAM Berlin, 17 to 21 May 2008

We are pleased to inform you that **ABRIL ABOGADOS** will be represented at INTA by the following members of the firm:

**Carlos Gonzalez
Ignacio Temiño
Carolina Montero
Jorge Oria**

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According with the Communication nº 1/08 of the OHIM's President, the exhibition priority will apply to the display of the goods and services applied for under a CTM or to the disclosure of products in which the design applied for as a CD is incorporated or to which it is applied, on the following international exposition:

- The World Exposition 'Water and Sustainable Development' from 14 June to 14 September 2008 in Zaragoza, Spain.
- The World Exposition 'Better City – Better Life' from 1 May to 31 October 2010 in Shanghai, China.

European Patents

London Agreement, the end of translations

The London Agreement regarding the new conditions in validations for European Patents is due to come into force on May 1st, 2008, and will apply to all states which have both ratified it and deposited their instruments of ratification. The Agreement will make patenting in Europe cheaper by reducing post-grant translation costs. European Patents may be granted in one of the three official languages of the EPO, namely English, German and French. A full translation of the claims will continue to be required in these countries which are not party of the London Agreement, Spain among others.


Easy Access

Abril's Data Bases

On -line consultation of the current status of their processes is available to all our clients. In case you still do not have your login and password, please send us your request by e-mail to: abril@abrilabogados.com

Community Trademarks

CMT Incorporating European emblem rule invalid

 Dated on October 19, 2007 OHIM's Cancellation Division ruled that a CTM incorporating the European emblem of 12 stars on a blue background was invalid, following an application filed by the European Commission. The Cancellation Division concluded that since the challenged CTM contained an imitation of an heraldic element of the European emblem, it was likely that the public would assume that the European Union is involved in the services rendered by the CTM.

82% of the CTM applications are filed electronically and Spain is the leadership in e-filing



Spain has become the fourth solicitor country in the filing of Community Trade Marks before the OHIM, just after Germany, US and United Kingdom and before such important countries as Italy or France.

Joao Miranda de Sousa, Manager of the OHIM's General Matters Department considers this fourth position corresponds to the positive evolution of the Spanish economy and commercial exchanges. Furthermore, this increase is due to the fact the Spanish society has become highly aware of the need to have the IP rights protected.

On 2007 the total number of CTM applications reached 88.248 overcoming for the first time the number of national trade marks. The Spanish companies mainly register trademarks in the fields of transport and travels, business and management services, education, leisure and sports.

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